ENFORCEMENT OF LAWS AND REGULATIONS THAT GOVERN THE ROAD TRANSPORT INDUSTRY IN EAST AFRICA

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Increased Use of Critical Information
by USAID and Other Decision-Makers in the Region

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by

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Dar es Salaam

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LIST OF ABBREVIATIONS AND ACRONYMS

AMREF	The African Medical Research Foundation
COMESA	Common Market for Eastern and Southern Africa
CTLA	Central Transport Licensing Authority
DRC	District Roads Committee
EA	East Africa
EAC	East African Community
ECA	Economic Commission for Africa
Fy	Fiscal Year
GN	Government Notice
GOK	Government of Kenya
GOU	Government of Uganda
GPS	Global Positioning System
GVM	Gross Vehicle Mass
GVW	Gross Vehicle Weight
HDV	Heavy Duty Vehicle
HGV	Heavy Goods Vehicle
HVL	Heavy Vehicle License
JTC	Joint Technical Committee
kg	kilograms
km	kilometers
kph	kilometers per hour
KRB	Kenya Roads Board
KWS	Kenya Wildlife Services
M	meters
MCT	Ministry of Communications and Transport
MOITC	Ministry of Information, Transport, and Communications
MORPW	Ministry of Roads and Public Works
MOW	Ministry of Works
MOWHC	Ministry of Works, Housing, and Communications
MOWTC	Ministry of Works, Transport, and Communication
MRALG	Ministry of Regional Administration and Local Government
NCTA	Northern Corridor Transport Agreement
PSV	Public Service Vehicle
RAFU	Road Agency Formation Unit
RF	Road Fund
RFB	Road Fund Board
RMG	Route Management Group
RMI	Road Management Initiative
RMLF	Road Maintenance Levy Fund
SADC	Southern African Development Community
SATCC	Southern Africa Transport and Communications Commission
SATTC	Southern African Transit Transport Coordination Authority
SSA	Sub-Saharan Africa
SSATP	Sub-Saharan Africa Transport Program

TANROADS	Tanzania Roads Agency
TAORT	Tripartite Agreement on Road Transport
TRA	Tanzania Revenue Authority
TTCA	Transit Transport Coordination Authority
URA	Uganda Revenue Authority
URFA	Uganda Road Fund Administration
URMA	Uganda Roads Management Agency
VAT	Value-Added Tax

EXECUTIVE SUMMARY

Introduction

The East African (EA) countries, Kenya, Tanzania and Uganda, have interdependent road transport networks and services not only for the promotion of their respective national economic development programs but also in strengthening regional socioeconomic integration under the newly signed East African Community (EAC) Treaty. The signing of the Tripartite Agreement on Road Transport (TAORT) in 1998 was a bold step towards effective harmonization of road transport operations in the region.

As well as being a member of the EAC, each of the three partner states belongs to other regional groupings. Kenya and Uganda are members of the Common Market for Easter and Southern Africa (COMESA), whereas Tanzania is a member of the Southern African Development Community (SADC). This dual membership to regional groupings has occasionally led to a situation where the three countries apply different standards. This could have conflicting objectives with the TAORT, whose goals are to standardize road transport laws and regulations in the EAC. Moreover, although these countries have similar laws, the enforcement of operating standards of road infrastructure, transport services, and traffic controls to ensure safety in East Africa, remains weak, causing a lot of concern to operators, road users and the public at large. The laws and regulations and their enforcement mechanisms in the region should be reviewed with the notion to recommend measures for harmonizing them to improve the efficiency of domestic, transit, and cross-border road traffic.

The primary objective of the study was to analyze the legal framework and enforcement mechanisms in road transport operations within the three partner states to identify major problems and weaknesses in the system and propose improvements for standardized enforcement. More specifically, the study covered laws relating to road infrastructure (including road funding, transit charges, axle load controls and limits on vehicle dimensions), road transport services, and road traffic and transport safety. It finds, however, that although the EAC countries have largely embraced the basic reform policies in the roads sector under the World Bank-sponsored Road Management Initiative (RMI), they are still at various stages of implementation. The study has also found similarities and differences in the laws and regulations, hence the need for their harmonization. The major problems arising from the various areas of similarities, weaknesses, and conflicts have been identified in the study and proposals to resolve them under the aegis of the EAC are presented here.

Major Findings

Regarding funding and management of the road sector, this study reveals that Tanzania is ahead of both Kenya and Uganda, as it has already enacted laws establishing the Road Fund (RF), managed by a Roads Fund Board (RFB). Tanzania also pioneered the use of a national roads agency, establishing the Tanzania National Roads Agency (TANROADS), a semi-autonomous statutory body that was to take over the functions of road development and maintenance from the Ministry of Works (MOW). These important laws were enacted, respectively, in 1990, 1998, and 1997 for the RF, RFB, and the TANROADS. Although Kenya has also established a statutory RF in 1994 and a Roads Board in 2000, the Board has since been declared unconstitutional by a court of law. The country has yet to reenact the Kenya Roads Board and a statutory roads authority. In Uganda, however, road maintenance and development are still funded by the Ministry of Works, Housing, and Communication (MOWHC) through budgetary allocations from the Ministry of Finance, Planning and Economic Development. As an interim measure, a Road Agency Formation Unit (RAFU) has been formed to manage the road sector within the MOWHC. Meanwhile, each of the countries has introduced a fuel levy on petrol and diesel to be used solely for road maintenance.

The study indicates that while Kenya and Uganda apply the same transit charges based on the rates established by COMESA, Tanzania has her own rates, higher than the COMESA rates. Tanzania, for instance, currently charges US $16 per 100 km for transit vehicles exceeding three axles, whereas Kenya and Uganda charge only US $10 per 100 km for similar transit vehicles. The higher transit charges in Tanzania may lead to higher transportation costs and higher prices for goods transported through Tanzania, which would lower their competitiveness on the domestic or export markets. Regarding axle load limits and vehicle dimensions, the EAC countries have reported high (over 80 percent) compliance levels although each country needs to modernize and increase the number of weighbridges.

The study established that the legal framework governing road transport operations in East Africa are basically similar. These laws are Kenya's Road Traffic Act of 1975, and the Transport Licensing Act of 1979; Uganda's Traffic and Road Safety Act No. 15 of 1998; and Tanzania's Road Traffic Act of 1973, and the Transport Licensing Act of 1973. In all three countries, licensing, regulatory and enforcement agencies are similar, with some minor differences. The types of licenses issued and compliance requirements are also similar in several ways with minor differences. The operating market environment in the three countries for domestic, urban, and cross-border passenger and freight traffic is the same throughout East Africa. The market is generally liberalized, in that any operator is free to seek a license to provide transport services, while the government does not control passenger fares and freight charges. Controls and regulations are centered primarily on the issuance of various operator licenses and the safety of passengers and freight.

Traffic legislation in the three countries is also fairly similar in the registration of motor vehicles, issuance of driving licenses, training of drivers, use of motor vehicles and loading restrictions, use of traffic signs and signals, requirements for insurance, and in the enforcement regimes. The main areas of differences include the requirement in Tanzania for passenger service vehicles to be fitted with speed governors and speed limits of up to a maximum of 80 kph in the country. This same speed limit holds for Kenya and Uganda, but is usually abused due to lack of enforcement, as some restrictions are not applicable in Kenya and Uganda. Whereas all vehicle owners in Kenya and Uganda are required by law to obtain a license for each vehicle, Tanzania has no such requirement. In Tanzania and Uganda, the law requires all vehicles to be inspected yearly to determine roadworthiness. In Kenya, however, this inspection is required only for passenger service and other commercial vehicles.

Major problems for all three countries include low road funding, transit charges, vehicle overloading, poor transport service delivery and weaknesses in traffic management and road safety. In all the EAC countries, funds from the RFs, mainly from the fuel levy revenues, are short of the road maintenance requirements, while no road inventory or condition survey has been conducted. The study further reveals that most of the fleet of vehicles on the EA roads are not roadworthy, generally due to the lack of funding and adequate capital to cover replacement costs. This is exacerbated by weaknesses in law enforcement, inadequate traffic management and a weak institutional framework.

The police, who are the main enforcement agencies in each partner state, are handicapped by lack of basic equipment such as vehicles and breath analyzers for detecting drunken drivers, and by using weighbridges that are not calibrated. Because of the high rate of noncompliance with traffic laws due to poor or inadequate road infrastructure such as road signs, lack of traffic lights and poor urban planning, enforcement of traffic laws is weak. Even where cases are taken to court, however, the fines are nondeterrent. The study found that in most cases, vehicle owners are never enjoined in traffic lawsuits instituted against their drivers. In the case of management and road safety, weaknesses exist in the management of national road safety councils and among the law enforcement agencies. The road safety councils, established to promote high standards of safety on the roads and minimize road accidents in each country through public education and increased public awareness, were found to be mostly inactive. This was due to several factors including poor funding, excessive government involvement in the management and organization of the councils with negligible private sector participation, inadequate equipment, and lack of road safety research and traffic education.

Recommendations

Road Funding and Management

The study recommends that all the countries should periodically review their revenues from user charges, such as the fuel levy and road transit tolls and ensure that they adequately meet the road maintenance expenditure requirements. It is further proposed that Tanzania should streamline its banking procedures regarding the fuel levy collections to minimize delays in fund remittances. The country should also strengthen the road institutions it has established — in particular, TANROADS should be allowed to operate more autonomously and determine the terms of service and remuneration for its staff. Kenya and Uganda should establish road agencies similar to TANROADS and hasten the implementation of reforms in the roads sector under RMI so that all the countries achieve similar road funding and management capacities. It is further recommended that each of these countries should develop reliable information on its roads, including length, traffic volume, and condition. This data will facilitate prioritization and planning of road maintenance expenditures.

Standardization of Road Transit Charges

In order to standardize road transit charges, each country should implement the proposed transit charges based on the study proposal under the guidelines given by the TAORT.

Overloading

To minimize overloading, the axle load controls need strengthening through modernization and standardization of weighbridges. This, along with increased public awareness campaigns targeting drivers and operators and involvement of transport operators in road management, will ensure that imported vehicles conform to set vehicle dimensions and axle load limits.

Licensing

There should be only one special EA license for transport operators instead of the currently cumbersome requirement of three separate licenses issued from each country.

Vehicle Inspection

Mandatory vehicle inspection should be required by all vehicles in EA countries to improve the quality of service delivery.

Cross-Border Movement

To facilitate the implementation of these recommendations, the study proposes that member countries speed up ratification of the TAORT to further harmonize the enforcement of policies and laws increasing cross-border traffic movement, such as immigration regulations and freight documentation.

Traffic Management and Road Safety

Recommendations for traffic management and road safety include the need to enjoin vehicle owners in legal suits involving their drivers; standardization of driver training and regular updating of driving skills; the establishment of road safety authorities in Tanzania and Uganda similar to the one proposed in Kenya; and provision of facilities for nonmotorized transport such as pedestrian crossings, foot paths and pavements and cycle lanes. The establishment of a road safety research center would help to develop a data bank on road safety and undertake research in this area, among other functions.

Corruption

EAC countries should conduct a public awareness campaign on corruption, targeting drivers and vehicle operators, in addition to the reforms being pursued by each country to strengthen governance. In the long run, however, it is recommended that the partner states hasten the implementation of policy reforms aimed at strengthening broad socioeconomic and political governance to further strengthen their institutional capacity in the roads and other sector. This would go a long way in minimizing corruption.

CHAPTER 1.
INTRODUCTION

1.1 Background

The three East African (EA) countries, Kenya, Tanzania and Uganda, are well connected by a reliable road network. This regional connectivity of the road system is a key factor for the effective promotion of an integrated economic development and improvement of the social well being of the people of East Africa. Historically, before the breakup of the former East African Community (EAC) in 1977, these countries not only shared borders, and socioeconomic and cultural linkages, but also had common and harmonized development programs for all modes of transport. With similar laws and regulations modeled by the British colonial government, cross-border movements within East Africa by their citizens were relatively smooth. Differences in national policies among the states, however, led to the break-up of the EAC in 1977. This resulted in restrictions on cross-border movement with negative consequences on trade and other socioeconomic activities. Each country then modified its laws to suit its own circumstances.

Between 1977 and November 1999, each country independently planned and implemented programs on transport. Whereas the basic legal and regulatory framework remained the same, emphasis and methods of enforcement took an individual country's priorities and approach. This position is expected to change under the recently launched EAC Treaty. The Tripartite Agreement on Road Transport (TAORT), which was signed in April 1998, is particularly expected to improve interstate cooperation in transport. Its objective is to facilitate and harmonize both internal and international road transport services among the EAC member states and promote the development of road transport facilities, infrastructure, and related services.

The three EA states are also members of international and regional groupings such as the World Trade Organization (WTO), the Common Market for Eastern and Southern Africa (COMESA) and the Southern African Development Community (SADC). Although these international and regional organizations provide a suitable framework for coordinated transport development, they often include certain protocols that could create problems in policy coordination, as all three countries do not belong to each of them. For example, while both Kenya and Uganda are members of COMESA, Tanzania pulled out of COMESA and is a member of SADC, of which neither of the other two countries are members.

The various laws and regulations among the member states calls urgently for harmonization of the legislative and regulatory framework for effective road transport operations and management in the EA partner states. In particular, it has been observed that differences in the enforcement and operating standards have led to poor road transport services, prompting the public to voice concerns on the need to redress the position. It is from these concerns that this study has been commissioned, to review the magnitude of the problem and propose corrective measures.

1.2 Objectives of the Study

The primary objective of this study was to carry out an analysis of the enforcement machinery of the legal and regulatory systems for road transport operations in Tanzania, Kenya, and Uganda to determine weaknesses in the systems and propose improvements for effective harmonized enforcement. Specific objectives of the study included the following:

(i) Review laws and regulations relating to road transport in the three EA countries;

(ii) Evaluate the need for legislative standardization and harmonized enforcement to alleviate corruption on regional roads and document any efforts being made by these countries;

(iii) Review the process of road transport legislative enforcement in each member country;

(iv) Identify areas of conflict that need to be harmonized;

(v) Propose a harmonized approach towards enforcement of transport laws and regulations;

(vi) Assess the implementation of existing agreements on road transport by the member countries; and

(vii) Propose a road transport policy review system that can enhance harmonization of road transport policy in East Africa.

1.3 Methodology

Data and information for this study was compiled mainly from secondary sources and partially from primary sources. Secondary information was obtained through a review of literature on existing applicable laws and regulations governing road transport in each of the three respective countries, including a study of the Road Toll Acts, Transit Charges Acts, axle load control legislation, Road Traffic Acts, and road licensing and safety legislation. Primary data was collected by conducting interviews with selected transport operators, transport users and policymakers in the three countries. Also, meetings and discussions were held with relevant officials in government ministries and regulatory agencies responsible for administering the relevant laws and regulations in Tanzania, Kenya, and Uganda. The EAC Secretariat in Arusha was contacted for an update on the current initiatives towards harmonization of policies, laws, and regulations related to road transport in East Africa. Visits were made to Arusha, and to two border posts: Namanga on the Tanzania/Kenya border and Busia on the Kenya/Uganda border. Nairobi and Kampala were also visited. These visits helped to obtain firsthand information on the implementation and management of axle load limits, the operation of weighbridges and other relevant cross-border issues; to witness the collection of transit charges; and to obtain information through the meetings and discussions mentioned above, including information on urban transport.

CHAPTER 2.
REVIEW OF ROAD TRANSPORT LAWS, REGULATIONS AND ENFORCEMENT MEASURES IN EAST AFRICA

2.1 Introduction

The major legal and structural reforms currently taking place in the EAC member states relate to the Road Maintenance Initiative, currently known as the Road Management Initiative (RMI). Implementation of RMI began in 1988 under the auspices of the World Bank and the Economic Commission for Africa (ECA) as part of the World Bank's Sub-Saharan African Transport Program (SSATP) in addressing the crisis of roads in Sub-Saharan African (SSA) countries. Under RMI, the two multilateral organizations worked with the governments of SSA countries to identify causes of the road crisis in the region with the goal of defining policies and strategies to remove the problems. Through debates in various national fora on the crisis, under RMI, a consensus emerged on the critical need to commercialize road management. In this context, identified policy actions on the basis of the "four basic building blocks" to facilitate commercialization of roads constituted (i) establishment of accountable and autonomous road authorities with public and private sector participation in key areas of management decision-making; (ii) adoption of commercial practices in road related activities; *(*iii) clarification of responsibilities amongst various public and private agencies involved with roads; and (iv) identification of sustainable funding sources for the road fund (RF).

2.2 Road Infrastructure

2.2.1 Road Funding and Management in Tanzania

Tanzania's total road network is about 85,000 km, out of which 10,300 km consist of trunk roads (40 percent of which is paved). Regional roads account for 24,600 km, while district roads account for 20,000 km. Urban and feeder roads account for 2,000 km and 27,500 km, respectively. The rest of the road network consists of unclassified roads. Arising from the RMI institutional and financial reforms, a RF was created in early 1990. Later, as a result of the enactment of the Road Toll (Amendment No. 2) Act of 1998, a Roads Fund Board (RFB) was introduced to manage the RF. This amendment made it illegal for the government to use monies from the RF for purposes other than road maintenance and development. Through this act, the RFB was inaugurated in August 1999. The Board comprises a total of nine members, four of whom are elected by private sector organizations representing vehicle operators and road users, and four others representing officials from government ministries, who are appointed by the Minister of Works (MOW) and a chairperson appointed by the President. The RFB's mandate is to serve as the custodian of the RF in terms of disbursement and accountability for utilization of the funds.

Under the Executive Agencies Act of 1997, the Tanzania National Roads Agency (TANROADS) was formed to take over the road development and maintenance functions of MOW. TANROADS became legally operational on July 1, 2000 as a semi-autonomous roads authority, responsible for the trunk and regional road network. In the RF Act, revenue sources of the fund are stipulated to include the fuel levy on diesel and petrol collected by the Tanzania Revenue Authority (TRA), transit fees collected by the TRA, overloading fees currently collected by TANROADS, and heavy vehicle license (HVL) fees collected by the Central Transport Licensing Authority (CTLA).

This act empowers the RFB to raise revenue from any other source, at rates to be determined by Parliament from time to time. According to the act, 90 percent of the RF is used for road maintenance and emergency repair. A ceiling is placed on road development expenditures — a maximum of 10 percent of total expenditure. Table 2.1 summarizes the RF collections from the four revenue sources during the period ranging from FY 1996-1997 to FY 2000-2001.

Table 2.1. Summary of Road Fund Revenue Collections, 1996/97-2000/01 (TShs. billions1)

Source	1996/97	1997/98	1998/99	1999/00	2000/01*
Fuel Levy	42.42	45.88	47.99	47.16	59.00
Transit Fees	0.58	0.78	1.00	0.63	1.50
Overloading Fees	-	1.27	0.82	1.52	1.25
Vehicle License Fees	0.73	0.82	0.75	1.13	1.38
Total	**43.73**	**48.75**	**50.56**	**50.44**	**63.13**

Source: Ministry of Finance ***** *Provisional.*

As indicated in the table, about 95 percent of the total annual RF is from the fuel levy. Levy revenue collections have been rising steadily from TShs. 42.42 billion in fiscal year 1996-1997 to TShs.47.99 billion in FY 1998-1999 after which it declined slightly to TShs. 47.16 billion in FY 1999-2000. During the FY 2000-2001, however, a total of TShs. 59.00 billion was collected, indicating a 25 percent increase from the previous period. Revenue collections from transit fees, though constituting a small proportion of the total annual RF revenues, have followed a similar trend to that of the fuel levy. Collections from HVL fees increased from TShs.0.73 billion in 1996-1997 to TShs. 1.38 billion in 2000-2001. RF revenue collections from overloading penalties show an erratic trend, as amounts collected from this source do not necessarily depend on the volume of traffic but on the level of overloading, effectiveness of enforcement of axle load laws and regulations, and the rate at which fines are imposed. This is not a steady source of funds for the RF, since the penalties are meant to discourage and eliminate overloading.

In disbursing the funds, the law requires the RFB to allocate 70 percent of the total to TANROADS and 30 percent to the Ministry of Regional Administration and Local Government (MRALG), after providing for the RFB's operational costs. Disbursements are made, however, only after performance agreements have been concluded, either between the RFB and TANROADS or between the RFB and the MRALG. To ensure accountability for the funds released, the two institutions must submit quarterly expenditure reports, mid-year technical and financial audit reports on the funds prepared by external consultants, and work inspection reports by the planning and monitoring engineers. Any deviations or discrepancies in the operational laws call for punitive measures as stipulated in the performance agreements. These reforms constitute a significant step forward towards achieving sustainable development and maintenance of the road network.

Although the current maintenance expenditure requirements for Tanzania are estimated at US $91 million annually, excluding the cost of backlog maintenance and administrative costs, the

[1] The exchange rate for US $1 = TShs. 825.

total RF revenue collections for the year 2000-2001 can achieve only 69.37 percent of Tanzania's total road maintenance requirements.

Transit Charges

Under the Foreign Vehicle Transit Charges Act No. 19 of 1995, foreign vehicles entering Tanzania from neighboring countries are charged a levy aimed at generating revenue for road maintenance. The legislation applies to foreign registered commercial heavy goods vehicles (HGVs), whether or not at the time of entry they are loaded with goods. The charges under the act are US $6 per 100 km for vehicles of less than three axles and US $16 per 100 km for vehicles with axles exceeding three axles.

Apart from these road user charges, private noncommercial vehicles, commercial passenger vehicles, and light commercial goods vehicles of up to three tons registered in a foreign country are required to pay vehicle permit fees of US $60 per entry at the border posts. Each permit is valid for a period of 90 days, provided the vehicle remains in the country during that period. For vehicle permits valid for one year, the operator pays a fee of US $160 per vehicle per entry. Also, Tanzania charges road toll tickets to passenger vehicles, whether commercial or noncommercial, upon entry into Tanzania. The rates for these tickets are US $1 per entry for saloon cars, US $3 per entry for vehicles with a carrying capacity of up to 25 passengers and US $6 per entry for each vehicle with a capacity above 25 passengers.

Vehicle Axle Load and Dimensions

Tanzania has 11 weighbridges at fixed locations on the major highways. There are also nine mobile weighbridges for controlling overloading in areas where there are no fixed weighbridges and for counterchecking weights to curtail corruption. The current legislation on overloading is contained in the highway ordinance, and the axle load limits are based on a 10-ton standard axle.

These regulations require all vehicles above 3.5 tons to pass through weighbridges for weight limit checks for compliance with set axle load limits. On weighing a heavy vehicle, a report is prepared by officials manning the weighbridge. It is then countersigned by the driver, who carries it throughout the journey. If a vehicle is not overloaded, it is allowed to proceed with the journey. On the other hand, a vehicle having one or more axles overloaded or exceeding the permitted Gross Vehicle Mass (GVM) or the set maximum vehicle dimensions will have its cargo offloaded, or its total load redistributed to comply with the axle-load regulations. The vehicle owner will also be charged with the offence of overloading a vehicle. The owner or driver of a vehicle overloaded with awkward cargo that cannot be offloaded is fined on the spot but is allowed to proceed with the journey after paying the penalty. The driver of a vehicle carrying an abnormal load that exceeds prescribed limits in weight and vehicle dimensions has to obtain and possess a special permit from the MOW and pay overloading charges before his/her vehicle can be allowed to proceed with its journey.

Until recently, MOW has been responsible for the enforcement of axle-load limits in the country through its road safety unit fines. These functions have been transferred to TANROADS.

2.2.2 Road Funding and Management in Kenya

Road Network, Road Funds, and Road Board

Kenya's road network consists of about 150,600 km, of which 63,300 km are classified roads and 86,700 km are unclassified. A total of 8,900 km (14 percent) of the classified roads are paved. Responsibility for the management of the road network is shared by the Ministry of Roads and Public Works (MORPW), the Ministry of Local Government (through the Nairobi City Council, municipalities, and other local authorities) and the Kenya Wildlife Services (KWS).

A Road Maintenance Levy Fund (RMLF) was enacted in 1994, which empowered the minister in charge of roads, in liaison with the minister for finance, to impose a levy on all petroleum fuel used in Kenya. The Public Road Toll Act provides that all revenues from transit charges on HGVs in Kenya should be channeled into the fund[2]. Under the supervision of the MORPW, oil companies collect the fuel levy at source, whereas transit tolls are collected by the same ministry but at the border posts. The RMLF Act stipulates that all revenue from the two sources is to be paid into a "special account" established by the Treasury and dedicated solely to road maintenance. The management of this "special account" by the Treasury, however, undermines the autonomy of the Kenya Roads Board (KRB) in managing the fund, especially in ease of accessibility, and could lead to a mixture of RMLF revenues with other tax revenues. To avoid this situation and enhance the Board's autonomy and accountability, the relevant laws should be amended to place the fund fully under the responsibility of the KRB.

Within the context of reforms under the RMI road funding, the Government of Kenya (GOK), like that of Tanzania, has concluded that the most appropriate institution to manage the roads and financing of the national road network should be an executive roads board with private sector representation. Under the KRB Act of 1999, which became operational in July 2000, revenues from the RMLF are managed by the KRB for maintenance and rehabilitation of the classified road network. The Board comprises a Chairman and 12 members representing stakeholders from the transport sector, including the Kenya Association of Manufacturers, Kenya National Chamber of Commerce and Industry, road contractors, tour operators and associations of road transporters. Five members are from the relevant ministries, including the Ministry of Transport and Communications, Roads and Public Works, Finance, Local Government, and Tourism and Trade. The Chairman is appointed from the private sector by the President.

Among other functions, the KRB Act mandates that the Board administer the funds derived from the fuel levy and any other funds that it may accrue and coordinate the development and maintenance work on the entire road network in Kenya. The KRB is also responsible for formulating the criteria for allocating funds from the RMLF and other sources for both maintenance and rehabilitation of classified and unclassified roads. Other functions of the Board include monitoring the operations or activities of the road agencies, supervision of procurement activities for maintenance and rehabilitation of roads and preparing and publishing audited annual accounts of the fund.

2 These charges are based on rates set by COMESA.

In terms of project execution, the KRB Act operates through three road agencies: the Roads Department of the MORPW, District Roads Committees (DRCs) and KWS. The Act further specifies that 57 percent of the fuel levy revenue should be allocated to the MORPW Roads Department, 40 percent to DRCs and three percent to the KRB for its operational costs. Out of the 40 percent allocation of funds to the DRCs, 24 percent is to be allocated equitably among DRCs while 16 percent is to be allocated equally to all constituencies. The KRB Act does not specify how funds could be allocated to KWS although this parastatal manages classified road approaches to parks and game reserves on behalf of the DRCs and the Roads Department. This is probably because KWS is expected to generate its own funds from gate collections on its unclassified road network within the parks and game reserves. It also receives some of the allocation from the 24 percent equitably allocated to DRCs or from funds allocated to the MORPW Roads Department for managing classified and unclassified road approaches to parks and game reserves. When mandated to manage roads that belong to DRCs and the Road Department, however, KWS will have to discuss and develop its work program with the respective agencies.

The KRB Act of 1999 also defines the membership of each of the 70 DRCs, including all Members of Parliament in each district; Mayors of Nairobi, municipalities, and town councils as well as chairmen of county councils and other local authorities; the District Commissioner; and two co-opted members representing stakeholders in the roads sector.

The budget estimates during the current financial year (2000-2001) is KShs. 7.932 billion from the fuel levy and KShs. 180 million from transit charges, altogether totaling KShs. 8.1 billion. This amount is inadequate. The MORPW estimates that to bring the road network to an acceptable level of maintenance on a sustainable basis, Kenya requires between KShs. 30 and 50 billion, since the country has a substantial backlog of roads requiring maintenance and rehabilitation.

As stipulated in the KRB Act, the Board is required to develop, rehabilitate and maintain the road network to achieve efficiency, cost effectiveness, and safety. It is the intention of the Board to evolve an investment portfolio of the entire road network during 2001. The portfolio will then be used to develop short- and long-term intervention programs that can be used to improve the level of service on the road network.

As shown in Table 2.2, annual revenue collections from the fuel levy have increased. This can be attributed to rate increases on the fuel levy itself and increased efficiency in the collection effort. As can be seen in the table, the main source of funding for KRB is the fuel levy (as in Tanzania). For instance, between FY 1994-1995 and FY 1999-2000, revenue from the fuel levy steadily increased from KShs. 0.12 billion (equivalent to US $2 million) to KShs. 7.7 billion (US $103 million).

Table 2.2. Total Annual Revenue Collections from the Fuel Levy, 1994-1995 to 1999-2000

Year	Collection (KShs. billion)	Exchange Rate (KShs./US $)	Collection US$ million)
1994-1995	0.12	60	2.00
1995-1996	1.2	60	20.00
1996-1997	3.3	56	59.00
1997-1998	4.2	58	72.00
1998-1999	6.1	60	102.00
1999-2000	7.7	75	103.00

Source: World Bank, RMI Kenya Country Report, 1999.

Transit Charges

Like Tanzania, Kenya is a major transit country, especially for several countries in the EA region. To protect its roads from damage, Kenya applies transit toll charges, which are in accordance with the COMESA rates. These tolls are the only charges levied on transit traffic related to the cost of pavement damage. The COMESA charges applied are US $10 per 100 km for HGVs with more than three axles; US $6 per 100 km for rigid HGVs with up to three axles; and US $5 per 100 km for big buses with carrying capacities of more than 25 passengers.

Additionally, Kenya charges foreign permit fees based on the vehicle engine capacity and the period of stay in Kenya. These are valid for either one or three months upon entry into the country. The rates for these charges are US $40 for one month's stay for foreign vehicles with engine capacities of up to 2001 cc and above, and US $100 for three months' stay for foreign vehicles with the same engine capacities. Kenya also charges an annual transit vehicle license fee on every foreign vehicle carrying transit goods but does not bear COMESA transit number plates. This fee is KShs. 5000 or US $66.67[3].

Vehicle Axle Load Control and Dimensions

Since September 1998, Kenya has strengthened the enforcement of axle load limit regulations to reduce the rapid deterioration of its road infrastructure. These measures have, however, affected customs and transit operations, in that overloaded containers have either been detained or the load reduced to compliance levels, leading to delays in vehicle trips.

Presently, the country has weighbridges at Mariakani, Athi River, Gilgil, Webuye, and Isebania. There are plans to install other weighbridges at the Malaba, Busia, and Namanga border posts. The weighbridges have a capacity to weigh 100 trucks per hour. Each of these weighbridges is quite modern, capable of automatically reflecting the vehicle weight on an electronic teller as its axles stand on the plate of the weighbridge, and is connected to a printer. In addition, Kenya has seven mobile weighbridges used for spot checks, compared to Tanzania, which has nine mobile weighbridges. Although axle load controls have been in force for several years, their implementation has been relatively less effective prior to September 1998, leading to a

3 All the above charges are contained in the Transit Charges Act.

considerable violation of the legal requirements. More recently, however, the legal provisions have been so rigidly applied by police officers manning the weighbridge stations, that transporters and other operators have complained these measures may adversely affect the profitability of their business. Despite this apparent rigidity, the GOK has adopted a tolerance margin of 10 percent, set jointly by COMESA and the Southern African Transit Transport Coordination Authority (SATTC).

While enforcing the axle load limits, the GOK insists on the application of the axle load weight of a vehicle, as opposed to the gross mass weight of vehicles of the same size. This is based on the argument that the point of contact of a vehicle and the road determines the extent of damage caused by the vehicle on the road. Thus, a vehicle carrying the recommended load capacity could still exceed the axle load limit for the cargo if the load is not evenly distributed. Vehicles having more axles can carry heavier loads under these conditions without damaging the roads than vehicles with fewer axles. Efforts by transporters to convince the GOK to relax these principles have been rejected since it is considered that such a compromise could lead to uncontrollable overloading and hence to road damage.

Detailed procedures for enforcing axle load regulations are contained in Section 106 of Chapter 403 of the laws of Kenya, i.e., the Traffic Act. These procedures include compulsory weighing of trucks weighing over seven tons under the supervision of MORPW officers, assisted by police officers; immobilization of overloaded vehicles at the weighbridge station (unless a cash bill is deposited in a court of law); removal of the excess load and/or its redistribution to conform with the legal requirements; imprisonment of drivers who fail to pay fines imposed by courts; issuance of compliance certificates by the police to transporters proceeding with their journeys; and weighing of all vehicles, including those declared empty, to ensure compliance.

Under the above law, the following axle load limits are currently enforced in Kenya: eight tons for the front axle, and 8 x 8 tons or a total of 16 tons for a tandem or double axle. Permitted axle loads, including tolerance limits, are enforced as follows: 10.400 kg for a single axle, 16,600 kg for tandem, 24.8 tons for three axles and 33 tons for four axles. These limits apply to all weighbridges measured in single axles. The fine for overloading is KShs. 5 per kg or KShs. 70 per ton of excess cargo. The implementation of this law has presently achieved successful results with about 95 percent compliance rate.

2.2.3 Road Funding and Management in Uganda

Road Network, Road Funds, and the Road Agency Formation Unit

Uganda’s total road network consists of about 35,700 km (excluding community roads) out of which about eight percent are paved. The country’s classified roads comprise about 9,500 km. With 24 percent of its classified network paved, Uganda has the second highest proportion of paved classified road network after Tanzania (with 40 percent of its classified roads paved). Kenya trails with only 14 percent of its classified road network paved.

Like Kenya and Tanzania, the Government of Uganda (GOU) evolved a major highway improvement program during the post-1986 era to reverse the deterioration of its national highway network where only 10 percent of that network was considered to be in reasonably good condition. This program was implemented under the auspices of both post-war rehabilitation and the RMI programs. By June 1993, about 60 percent of the main road network had been rehabilitated at a total cost of about US $300 million out of which US $229 million (or 76 percent) was donor funded. GOU funding accounted for US $71 million (or 24 percent). Road sector expenditure was US $192 million in FY 1999-2000, out of which US $117 million (or 61 percent) was from donor funding and US $75 million (or 39 percent) was from GOU. In order to ensure sustainability, the Ministry of Works, Transport, and Communications (MOWTC) launched a policy document entitled the "The Drive Towards Effective Maintenance" in June 1991 under the country's RMI initiatives. The drive involved the

(i) establishment of a road maintenance fund with road user fees whose proceeds are earmarked specifically for road maintenance with a special road maintenance account maintained by the MOWTC and the Uganda Revenue Authority (URA);

(ii) the establishment of a network-based unit for programming road maintenance and ranking priorities for road maintenance work throughout the country;

(iii) classifying road maintenance operations according to routine, manual, periodic and mechanized routine emergency works; and

(iv) implementation of a training program aimed at building an adequate pool of technicians and managers for the MOWTC, and the establishment of a plant hire pool.

Although the MOWTC was renamed Ministry of Works, Housing, and Communication (MOWHC) in June 1998, the latter Ministry continued to be responsible for transport, including planning, development and maintenance of the transport infrastructure in Uganda. To supplement the Ministry's responsibilities, the Local Government Act was promulgated in 1997 devolving responsibility for road maintenance of rural, community, feeder, and urban roads to district and urban authorities. Although the act allows districts to fully implement routine and periodic maintenance works, rehabilitation still remains the responsibility of the central government through the MOWHC.

Unlike Tanzania and Kenya, where RFs and road boards have been established, funding of Ugandan roads is still mainly undertaken by the Finance Acts, through annual financial allocations from funds collected by URA on behalf of the Ministry of Finance, Planning and Economic Development. The GOU, however, is taking measures to implement reforms under the RMI program, which include the establishment of the Uganda Road Fund Administration (URFA), and the Uganda Road Management Agency (URMA). As an interim measure towards the formation of a fully commercially oriented road agency, a Road Agency Formation Unit (RAFU) has been established in the MOWHC to manage the road sector. RAFU is the nucleus of the envisaged road agency.

Prospects for the establishment of a stable and sustainable source of funds for road maintenance in Uganda appear quite good. Income from import duty on petroleum and the total fees and fines received under the Traffic Act contributed an average of UShs. 52.75 billion or 25 percent of the total average government revenue amounting to UShs.211 billion during the period 1996-1997 to 1998-1999. This amount exceeded the annual average total allocation to the MOWHC of only UShs.48 million during the same period. For some time to come, however, taxes from fuel and other revenues intended for road maintenance will continue to be supplemented with donor funding.

Under the planned reforms, revenues for the envisaged RF are expected to originate from license fees, temporary fees, overloading penalties, and transit charges. A total of US $10.56 million annual revenue is expected to accrue from these fees. The domestic fuel levy, charged at the recommended rate of US 13.4 cents per liter of diesel and US 16.6 cents per liter of petrol, is expected to generate US $54.4 million per annum, while onboard fuel levies to be charged at 70 percent of the domestic rates for both diesel and petrol, is expected to generate US $5.14 million per annum. It is also proposed that RF expenditures be allocated as follows: 78 percent for classified roads, 18 percent for district roads, one percent for urban roads, and two percent to be used for institutional capacity building.

Transit Charges

Transit toll charges in Uganda, as in the Kenyan case, are based on rates established by COMESA and relate to the cost of pavement damage caused by transit traffic. Unlike Kenya and Tanzania, Uganda requires a special levy known as the transit goods license for all commercial vehicles crossing the border into the country, irrespective as to whether they are foreign or Ugandan. This license costs UShs.350,000 or US $233 year.

Axle Load Control

The Ugandan Traffic Act conforms to the COMESA regulations and to those of the Northern Corridor Transit Agreement (NCTA). Axle load limits are geared towards preventing rapid deterioration of the road infrastructure. Technically, these axle load requirements are similar to those of Kenya, but with the following minor differences. The maximum axle load limits are eight tons for the steering axle, 10 tons for the single drive/load axle, 16 tons for the tandem drive/load axle and 24 tons for the triple axle group. The maximum vehicle dimensions set by Uganda are a width of 2.65 m, a height of 4.2 m and a length of 22 m for trucks and draw bar trailers. The maximum laden weight or gross vehicle weight (GVW) in Uganda is limited to 53 tons as long as it complies with the established axle limits.

To ensure the enforcement of the axle load requirements and other transit regulations, the GOU operates a number of weighbridges at Malaba and Busia on the Kenyan border and seven mobile ones within Uganda. Additionally, plans are underway to install weighbridges at all entry points. Unfortunately, the enforcement of axle control limits has been relaxed in Uganda for years, leading to considerable abuse of regulations and serious damage to the roads. The government has already introduced a number of legal and administrative measures to ensure particularly that truckers traversing the Ugandan sector of the Northern Corridor strictly adhere to the road axle regulations. As in Kenya, however, there have been complaints by road operators and other businessmen against the rigid application of axle load regulations but the GOU is understandably unwilling to relax their enforcement. Meanwhile, heavier penalties are being proposed to act both as a deterrent to overloading as well as serving as a source of revenue.

2.3 Road Transport Services

2.3.1 Legislation

The legal framework governing the operation of road transport in the EA countries are basically the same. Administratively, transport operations in these countries fall under the responsibilities of the Ministries of Information, Transport and Communications (MOITC), Communication and Transport (MCT) and Works, Housing and Communications (MOWHC) for Kenya, Tanzania and Uganda, respectively. These ministries have the central task of regulating the operations of passenger and freight transport in their respective territories to ensure that they are safe and efficient for the promotion of socioeconomic development. The three countries rely on two main laws, each of which has similar provisions: the Road Traffic Acts and the Transport Licensing Acts. In addition, the Bureaus of Standards in each country provide regulations for vehicle dimensions.

The specific legislation applied by the respective countries is the Kenya's Road Traffic Act of 1975 Cap. 403, and the Transport Licensing Act (Cap. 404) of 1979, including the accompanying subsidiary legislation, especially the transport licensing regulations; Tanzania's Road Traffic Act of 1993 and the Transport Licensing Act No.117 of 1973 together with the transport licensing regulations; and Uganda's Traffic and Road Safety Act No. 15 of 1998. These acts define the licensing authorities, mechanisms for granting various classes of licenses, compliance requirements, and the enforcement regimes for each country.

2.3.2 Licensing Authorities

Each of the three countries has a central transport licensing authority consisting mostly of members appointed by the government. In Tanzania, however, there is a Regional Transport Licensing Authority for each of the 20 regions on the mainland, in addition to the Central Licensing Authority. The Ugandan Transport Licensing Board includes one representative of the motor industry. These licensing boards or authorities are responsible for issuing licenses for various categories of vehicles, including goods vehicles, passenger vehicles, and taxis. They also issue various classes of licenses to vehicle operators and drivers and set conditions for eligibility for the licenses, such as a valid insurance certificate against third party risks, or a roadworthiness certificate. One of the problems arising from these separate licensing authorities is that currently, a carrier seeking to operate in any of the three countries has to acquire a license from each licensing authority, a process both cumbersome and costly. Each of the countries has a mandatory requirement that all commercial vehicles for goods or passengers must be licensed for one year, subject to renewal. Conditions for granting commercial licenses are mainly similar and include roadworthiness, vehicle insurance, valid registration, and compliance with road traffic acts and vehicle registration. While the licensing authorities have powers to suspend, refuse, or cancel a license, enforcement of the law is mainly undertaken by police officers who are empowered to stop, search, arrest, and prosecute offenders in courts of law.

2.4 Market Operating Environment

2.4.1 Domestic Short Distance and Urban Services

The environment in which passenger and goods vehicle transporters within East Africa operate varies widely, depending on the nature of the services provided. Generally, subject to the fulfillment of various licensing requirements, the operating market is largely liberalized. Most urban or peri-urban areas throughout East Africa are predominantly served by transport services provided by fleets of minibuses commonly known as *Dala Dala* in Tanzania, *Matatus* in Kenya, and *Taxis* in Uganda. With a wide diversity in their make and capacity, the majority of these vehicles carry between 16 and 36 passengers. Most of them are imported, secondhand, from Japan or the Middle East. Their route lengths vary from three to 30 km per trip while their services are unscheduled, departing in most cases only when they are full.

Remuneration for their drivers and touts is negotiable, usually in the form of a daily commission based on daily earnings. Some operators set revenue targets for their crews and any revenue above the set target constitutes an extra income for the driver and tout. Terms of remuneration such as these, however, encourage unsafe driving habits including speeding, reckless driving, poor parking, frequent vehicle stoppage to pick up or drop off passengers, and most significantly, overloading. Under these conditions, there are no standard procedures for driver recruitment and so a driver can switch from one operator to another, irrespective of his or her poor driving habits. This explains the high driver turnover in the subsector.

2.4.2 Long Distance and Cross-Border Services

Long distance passenger travel services within each country and among the EA countries are usually provided by bus operators on distances ranging from 100 to 1,000 km. Most long-distance bus services have their origin or destination in or to a capital city or a major town. The bus capacities commonly range between 45 and 65 passengers. Since they operate in a liberalized market, fares are not controlled and market entry is free, depending mainly on effective demand for travel and the condition of the road. Except for buses that provide quality services, many of the buses providing intracountry services have no timetables and compete for passengers in the same way as *the Matatus*[4] or *Dala Dalas*. Fares tend to be higher for quality services like luxury coaches.

Although cross-border passenger bus services have been operating even before reestablishment of the EAC, the number and frequency of their services have considerably increased since the time the three member states showed intentions to reestablish the Community after its demise in 1977. While the formal relaunching of the EAC certainly opened a lot of opportunities for increased cross-border passenger bus business among the three partner states, there are other conditions still inhibiting free movement, such as immigration formalities, customs checks at border posts, and lack of free flow of labor. These constraints are under review in the three countries and should be removed shortly.

[4] These are minibuses used for public transport. They are informal in nature and are known to break the traffic laws frequently. Through licensing, they are slowly being brought into the formal transport industry in the three EAC countries.

The trucking industry in East Africa has been providing services both on the domestic and regional markets, greatly facilitated by the market liberalization measures taken by each member state and the EAC. Consequently, there are no entry barriers for freight operations and the tariffs are determined by market forces, often through negotiations between operators and transport users. Operators on the domestic market in each country usually utilize lower capacity trucks/ vehicles (3.25, 7 and 10 ton trucks) between district towns and regional centers. Because of the poor road conditions, especially in rural areas, vehicle operating costs are high, contributing to high freight rates. Most of the cargo is seasonal and comprises mainly farm inputs and produce.

Operators on interregional routes, however, use bigger trucks (of 10 to 15 tons and above) than those used on the domestic markets. Their cargo usually consists of agricultural exports from regional warehouses to destinations outside each country and imports of consumer, intermediate and capital goods. Despite their size, their freight rates are usually lower compared to those of smaller vehicles, partly because of economies of scale and partly due to their use of paved international trunk roads. The majority of vehicles in this category of the market consists of transit vehicles transporting cargo through the Northern and Central Corridors, served, respectively, by the ports of Mombasa and Dar es Salaam to and from the neighboring countries. As they primarily carry large cargo consignments, the use of high capacity trucks (40 tons and above) is more economical as it lowers vehicle operating costs per ton-km. High levels of investment requirements for vehicles with bigger load capacities, however, restrict market entry to only companies with strong financial bases. To circumvent this constraint, many operators resort to importation of cheap secondhand trucks. As in the domestic category of the trucking industry within each country, tariffs in this segment are determined through negotiations between transport users and operators under competitive conditions.

2.5 Road Traffic and Transport Safety

2.5.1 Traffic Safety Legislation in East Africa

The overall objective of the road traffic laws and regulations in each partner state is to promote and enhance road safety. Each partner state has enacted domestic legislation to be observed by owners, operators, and users of vehicles and other road users. These laws were written to ensure safe, secure, orderly, and disciplined mobility on the roads and to protect the environment and infrastructure. Although there are a number of differences, road traffic legislation in these states is fairly similar. The Road Traffic Act No. 40 of 1973, the Traffic Act Cap. 403 and the Traffic and Road Safety Act No. 15 of 1998 and the rules and regulations made under them provide the basic legal requirements as well as penalties for road users and operators in Tanzania, Kenya, and Uganda. Despite the lapse in the reestablishment of the EAC after its collapse in 1977, the member states' laws in this area have remained largely similar. For instance, registration of a motor vehicle by its owner is mandatory and the use of an unregistered vehicle is a crime punishable by a fine or imprisonment, or both in all three countries. Similarly, every driver is required by law to have a valid driver's license for each specific category of vehicle for which he/she is qualified, while driving without a valid driver's license is a crime in each country. The requirement for driver training prior to being issued a license is another common requirement. The EAC countries also have similar conditions to be fulfilled in order to qualify for a public service vehicle, e.g., a minimum age requirement and a specified number of years' driving experience. Other areas of similarity include the mandatory requirement for all vehicles to be roadworthy, prohibition of reckless driving and driving under the influence of alcohol, and the prohibition of overloading. The EAC countries still require drivers to drive on the left-hand side of the road and most of the vehicles in the region are designed to be driven on the left. Finally, each of the three countries has adopted the internationally accepted road traffic signs for use on its roads with broadly similar penalties against offenders.

Despite the similarities in the road traffic and transport safety laws and regulations among the EAC partner states, there are differences that merit attention, giving rise to the need to facilitate free cross-border movement for both passenger and goods vehicles. In Kenya, there are elaborate requirements regarding the weights of cargo, vehicle dimensions, body construction, conduct of drivers and conductors, prohibitions against carrying inflammable liquids or substances in the vehicle with regard to vehicle weights and dimensions for passenger vehicles; whereas Uganda and Tanzania have no such regulations. In Tanzania, it is compulsory for all public service vehicles to be fitted with speed governors capable of maintaining a speed of no more than 80 kph for long distance vehicles and 50 kph for the urban commuter vehicles. In addition, passenger service vehicles are not allowed to operate during the evening (i.e., between 10:00 p.m. and 6:00 a.m.). In Kenya and Uganda, there is neither the requirement for fitting speed governors nor restrictions against night operations for public service vehicles. In Kenya and Uganda, it is mandatory for a vehicle owner to procure a road license while Tanzania requires no such license. Finally, although all the three countries provide for annual vehicle inspections to certify their roadworthiness, Kenya requires it only for passenger service and goods vehicles while the requirement applies to all vehicles in both Tanzania and Uganda.

2.5.2 Enforcement Regime

Each of the EAC countries has an elaborate set of road traffic laws and regulations supported by detailed and strict penal sanctions, aimed at enhancing the safety of road users and their property. Nevertheless, road transport in the region is still quite unsafe. Indeed, the state of the road safety situation in the three EA states leaves a lot to be desired. This could be attributed to weaknesses in law enforcement and other institutional factors. For example, although the road legislation in each country places responsibility for the daily enforcement of traffic law on the police, with similar powers to detain and inspect vehicles and even to prosecute offenders in courts of law, the number and frequency of road accidents and the numerous incidents of noncompliance with the laws show clearly that the police alone cannot cope with the problem. Two recent surveys conducted by the police on town commuter buses in Arusha in Tanzania and Entebbe in Uganda, in September and December 2000, respectively, revealed that out of the vehicles covered in the survey, 60 percent had defective brakes, 50 percent had worn-out tires, 55 percent had faulty steering systems and 40 percent did not have proper lighting. Despite the existence of the laws, enforcement by the police remains weak.

CHAPTER 3.
MAJOR PROBLEMS AND WEAKNESSES

3.1 Introduction

Although Tanzania, Kenya, and Uganda have made considerable progress in implementing transportation policies intended to facilitate free movement of people and goods within and across their borders, several problems are still outstanding at both national and regional levels. These problems are experienced particularly in the harmonization and enforcement of laws and regulations governing the road transport industry. The major problems and weaknesses are found in the legal and administrative framework involving financing and management of the road infrastructure, road transport services, and road traffic and transport safety.

3.2 Road Infrastructure

3.2.1 Tanzania

As already indicated, Tanzania appears to be ahead of Kenya in implementing most of the basic road sector reform programs, such as the establishment of basic road funding and management institutions under the RMI[5]. Currently, it stands out as the only country in East Africa and in the SADC region to have established both a RFB and a road agency. Much has been achieved in revenue collection and in setting up the necessary institutional arrangements in strengthening the operations of the RFB and TANROADS. In spite of the encouraging progress made so far, Tanzania still has to contend with a number of problems, including protracted delays in the remittance of fuel levy collections due to cumbersome banking procedures of the revenue collecting authority, the TRA Customs Commission, with delays in fuel remittances from both Dar es Salaam and the regions for about 30 days.

3.2.2 Kenya and Uganda

Although Kenya has made some progress in establishing a fund and a roads board, it is still a long way from meeting the RMI requirements. The fuel levy revenue collections are still inadequate and fall far short of the country’s road maintenance needs . The enactment of the Kenya Roads Board Act, which led to a court ruling that it conflicted with the principle of “separation of powers” by including members of Parliament as members of the district roads boards, was a major setback for the country’s progress in implementing reforms under the RMI, coming as it did when the next stage would have been the establishment of an autonomous roads agency. The country has yet to enact another roads board. The same act had apparent weaknesses in its criteria for allocating funds from the Road Fund. Kenya needs to streamline responsibility for roads since currently they are under the responsibility of several government ministries and agencies. Like Uganda, it needs to undertake a road inventory survey and another survey, like Uganda and Tanzania, to determine the maintenance condition of the roads. The country shares other weaknesses with Tanzania and Uganda, such as overloading and the management of weighbridges. Although Uganda has already indicated its commitment to the pursuit of RMI reforms, it needs to move faster in establishing the basic institutions.

[5] TANROADS, the RF, and the RFB.

3.3 Road Transport Services

3.3.1 Vehicle Fleet and Condition

Both the quality and level of road transport services for passenger and freight in the EAC countries have been constrained by several factors including the legal and regulatory environment in which these services are operated. For example, due to the low level of income and inadequacy of investment funds, many operators cannot afford to purchase new vehicles. Consequently, most operators only own one vehicle and many of the vehicles are secondhand, with high maintenance costs. Poor road conditions and the concomitant high vehicle operating costs further reduce the operators' profit margins and their capacity to acquire new or even secondhand vehicles. Under these conditions, the fleet of vehicles providing transport services is inadequate, leading to traffic congestion, overloading, frequent violation of traffic laws and regulations, problems in traffic management, poor road safety conditions, and weaknesses in enforcing existing laws.

3.3.2 Traffic Laws and Regulations

Regulation of public transport services through licensing places undue emphasis on the quantitative control of the market with less attention being paid to the need for improvement of the quality and level of services offered. Because of the large number of incidents of violation of traffic laws, enforcement agencies such as the police cannot cope with all such cases. For example, although traffic laws require vehicles to be inspected periodically, the government agencies responsible for undertaking the inspection usually do not have adequate staff or the necessary equipment and funds to conduct the inspection. Consequently, a large proportion of vehicles in the region does not fulfill this legal requirement. Because of this, a substantial percentage of the vehicles providing services are not roadworthy. If traffic laws were to be applied to the letter, many buses operating in urban areas would be removed from public service operations due to non-roadworthiness. A recent survey in Tanzania by the MOW's Road Safety Unit, between March and April 2000 with the support of Norway, inspected 43 heavy duty vehicles (HDVs), 20 light duty vehicles and 22 buses in three regions: Dar es Salaam, the coast and Kilimanjaro regions. This was designed to assess the condition of the country's public vehicle fleet. The survey found that more than 60 percent did not carry warning triangles, 30 percent of the drivers had no driver's licenses and 30 percent did not have a transport license and vehicle registration cards. All HGVs covered, however, had insurance but 13 percent of the buses had none. In addition, 50 percent of all the vehicles had worn-out tires, 60 percent had poor suspension, while 50 percent of all vehicles and over 60 percent of buses had faulty steering systems[6].

3.3.3 Traffic Management Systems

In the majority of urban areas as well as on major highways, traffic volumes have increased although that increase is not commensurate with the increase in the quantity or quality of road infrastructure. This compounds traffic management problems in urban areas and on highways in

[6] MOW, 2000.

East Africa in addition to poor road signs, poor junction layouts, lack of marked lanes, inadequate roadside parking spaces, nonfunctional traffic signals and a high volume of pedestrian activities on the roadside. Poor urban planning has led to the occupation of pavements and even parts of many roads by hordes of hawkers in the urban areas. Traffic laws and regulations become difficult to enforce under these conditions. In the same way, they become difficult to follow.

3.3.4 Regulatory and Licensing Authorities

One of the factors contributing to the high frequency of traffic law and regulation violations is the weakness of the licensing and regulatory authorities. The lack of qualified and competent staff, inadequate equipment, and low level of funding have impaired their effectiveness. Since the government appoints members of these regulatory bodies and licensing boards mainly on political considerations rather than merit or professionalism, enforcement of the Transport Licensing Acts is weak across the board. Financing of these bodies is mostly from government budgetary annual allocations and is based on set ceilings rather than requirements. This also leads to inadequate funding and inefficient operations. In all three countries, cases of fake licenses are rampant, while many vehicles operate without valid licenses in contravention of the Traffic Acts resulting in substantial revenue loss, and yet detection and prosecutions are rare.

3.4 Road Traffic and Transport Safety

3.4.1 Background

Despite their critical importance, the issues of road traffic and transport safety have not received as much attention as they should, mainly due to resource constraints among the EAC states. Besides resource constraints, however, other constraints inhibiting effective enforcement of traffic laws and regulations include corruption, weaknesses in the management of national road safety councils and a weak institutional framework in each of the member states.

As already mentioned, much of the responsibility for enforcement of laws in this area rests with the police. They are empowered to stop and search vehicles, inspect them for roadworthiness, and prosecute drivers if they are satisfied that the law has been broken. The police, however, are often frustrated by limited resources in executing their work. Since they operate on the basis of limited annual fund allocations from the government, their capacity is thus limited by the budgetary ceilings to which all other government ministries and departments are subject. With the governments in these countries themselves experiencing budgetary constraints, each ministry or department has to rely on whatever limited financial resources are allocated to it. Under these circumstances, it is no wonder that quite often even the police are ill-equipped, lacking basic operational equipment like motor vehicles and fuel to facilitate patrolling and road checks, speed guns for checking speeding, or alcohol breath analyzers for testing drunk drivers, and outmoded weighbridges. The inadequate allocation of financial and other resources to the police is a structural problem, which the governments of EAC have to address through their civil service and other reform programs aimed at enhancing improved socioeconomic and political governance. It is largely through the success of these policies that resource constraints in the police would be minimized or altogether eliminated.

3.4.2 Corruption

Corruption is one the major problems that have weakened the administration of laws governing road traffic and transport in the EA region. Since it is not confined to the police and officials concerned with traffic laws alone, a solution to this problem, like that of resource constraints, should be addressed by each partner state through effective implementation of reform programs aimed at strengthening institutional capacities in each country through enhanced socioeconomic governance. In the short and medium term, however, conducting public awareness campaigns against the vice could minimize it.

3.4.3 National Road Safety Councils

Although each of the three states has a national road safety council established under appropriate road traffic legislation, none of these councils has been effectively involved in promoting road traffic and transport safety. The aims and functions of the councils are to intensify and regulate activities that would lead to minimizing or preventing road accidents through a number of strategies such as research, training and educational programs, publicity, information dissemination and advisory functions on matters concerning road safety as a whole. Membership to the council and its composition in each country are determined by the Ministers in Uganda and Kenya and by the Prime Minister in Tanzania. Each of these councils has been experiencing a number of difficulties, including inadequate funding and lack of autonomy. Most members of the council in each country are civil servants with little representation from the private sector, especially the main sectoral stakeholders. They normally attend to road safety matters only on an *ad hoc* basis since they have full-time responsibilities in the government ministries. These factors explain the lack of originality, initiative, and seriousness inherent in the councils — whose shortcomings could be averted if the councils were autonomous bodies with independent and reliable sources of financing and with a full-time Secretariat of highly qualified personnel.

As a result of these weaknesses, not much has been achieved by these councils. In Tanzania, for example, no attempt has been made to introduce road traffic education in schools, while in Kenya and Uganda some attempts are being made to do so, even though they are not mandatory. Where such education is being offered, however, most of the emphasis is on the knowledge of road signs and signals rather than on the safe use of roads.

3.4.4 Limits on Speed and on Driving Hours

Speeding, especially on the highways, has been cited as one of the major contributors to road accidents. Certain measures to control speed and reduce stress on drivers caused by long driving hours have been introduced by the EAC member states. In Tanzania, it is compulsory for all public service vehicles (PSVs) to fit speed governors to limit speed to a maximum of 80 kph, while in Kenya and Uganda, the speed limit is the same but other requirements do not apply. This control requirement, however, has been highly abused by transport operators who often tamper with the devices to render them nonfunctional. Moreover, there are limited opportunities for counterchecks because of a lack of equipment to detect such tampering and because the traffic police inspectors are usually outnumbered by the offenders.

In Tanzania, there are police control posts on all the major highways. They check PSVs to ensure adherence to timetables. In Kenya and Uganda, there are no established timetables for PSVs. The police checkpoints are, however, placed at long intervals (at times more than 150 km apart). Therefore, they are not effective as a speed control mechanism because they do not eliminate the possibility of very high speeds in between one control post and the next one.

In Tanzania, driving PSVs between 10:00 p.m. and 6:00 a.m. is prohibited. This is in recognition of the need for drivers to rest during the night to avert accidents associated with night driving stresses. This prohibition is not in place in Kenya and Uganda. Because police patrols at night are rare in Tanzania, enforcement of this requirement is weak and there is virtually nothing to prevent driving during the night.

Driving under the influence of alcohol as a traffic offence is usually difficult to enforce because no specific quantity of alcohol in the blood has been defined by law as constituting an offence and the police are rarely equipped with the breath analyzing equipment. The alternative of having a blood alcohol test by a doctor is also not effective because hospitals and health centers are often far away from the accident scenes or from where the driver is stopped on suspicion of driving while under the influence of alcohol. These circumstances leave a lot of room for corrupt practices, which further endangers road safety.

3.4.5 Road Safety Research

There are no systematic and sustainable research initiatives on road safety in East Africa. What are in place are sporadic and isolated incidents of police investigations into specific road accidents and these investigations are for purposes of criminal prosecutions and the results of are never made public. Research in this area would include collection, analysis, and interpretation of data on various elements relating to road safety such as levels of motorization in relation to incomes, common causes of various road accidents, and an estimation of the impact of poor road safety on the economy.

3.4.6 Emergency Medical Services

Throughout East Africa there are no established and sustainable emergency facilities to deal with road accidents on the highways. Private facilities such as the Flying Doctor Services provided by The African Medical Research Foundation (AMREF) and by a few insurance companies in Kenya such as the AAR, are usually not affordable to the majority of East Africans. In the most cases, ambulance or helicopter services to rush critically injured accident victims to hospitals do not exist. The injured normally depend on the goodwill of passing “good Samaritans” for help. Furthermore, hospitals are inadequately equipped to deal with major accidents and the poor telecommunication network compounds the problem in calling for help. Bandits or passersby often take advantage of accidents to rob helpless accident victims.

CHAPTER 4.
ASSESSMENT OF ONGOING HARMONIZATION MEASURES

4.1 Introduction

Following the relaunching of the EAC, the three member states have embarked on measures intended to harmonize and strengthen their efforts in the enforcement of road transport laws and regulations in the region. These efforts focus on three major areas: TAORT, the Permanent High Level Standing Committee on the East African Road Network Project, and the Committee for Easing Cross-Border Movements. These programs are being coordinated by the EAC Secretariat through the Sector Committee on Transport, Communications, and Meteorology.

4.2 Tripartite Agreement on Road Transport

The key issues on road transport are contained in the TAORT. In addition, Articles 89 and 90 of the EAC Treaty enlist elements that constitute the key areas of cooperation in road transport among the three partner states. In particular the TAORT is a critical document signed in April 1998 by the EAC ministers responsible for transport, communication, and meteorology in each of the three partner states. The main objectives of the agreement are

(i) to promote, regulate and facilitate traffic flow through transit routes by handling regional trade through the territories of member states to achieve a fair distribution of road transport services; and

(ii) to minimize the incidence of customs fraud and evasion by ensuring expeditious and secure development of traffic, avoidance of unnecessary delays in the movement of goods and the simplification and harmonization of relevant documentation and procedures.

The text box below summarizes the main areas of cooperation among the partner states under TAORT.

Summary of the Tripartite Agreement on Road Transport

The document lists several major areas of cooperation among the member states, including access to the transport market for carriage of goods and passengers by road; coordination of operations of common border posts; identification of transit routes, and establishment of criteria for improvement and maintenance of a trunk road network to allow a smooth flow of traffic in the EA region; review of documentation procedures to simplify and align documentation and procedures; harmonize commodity codes and rationalize and merge control and license/permits issuing bodies to minimize difficulties and diversity; maintenance of registers containing information related to vehicles; enhancement of overall quality of road transport and road traffic by jointly developing comprehensive strategies; and the establishment of a Joint Technical Committees (JTC) to meet four times a year and the Route Management Groups (RMGs) to meet at least four times a year or as directed by the JTC; looking into harmonization of issues such as the use of permits or licenses; determine service routes, frequency of service and other measures that would ease cross-border movements; and ensuring that carriers and drivers of vehicles, when in the territory of the other member states, comply with existing laws and regulations in the member states.

Although the TAORT was signed in 1998, its ratification by the member states is still pending due to amendments requested by Tanzania. Recent meetings to review the amendments, however, have indicated positive signs of agreement. In spite the fact that the Tripartite Agreement has not been ratified, measures have been taken towards implementation of the agreement, notably the formation of the permanent high-level Standing Committee on the East African Road Network Project and the Committee for Easing Cross-border Movements.

4.3.1 Permanent High-Level Standing Committee on East African Road Network Project

This is a high-level standing committee formed to oversee the implementation of the EA road network projects. The project was agreed upon during the donors` conference in May 1998. The responsibilities of the committee include the formation of the RFBs and road authorities; enhancement of the capacity of the private sector in road maintenance, enhancement of private sector participation in the management of the roads subsector, implementation of axle load controls, and enhancement of funding for the transport corridor projects both from internal and external sources. Specific subcommittees have been formed under the Standing Committee to be responsible for each of the above key issues. They include subcommittees on the formation of RFBs and authorities, the implementation of the El Niño emergency support projects and a task force on road safety.

4.3 Committee for Easing Cross-Border Movements

Considering the importance of cross-border movements, the EAC Commission directed that a regional seminar on the effective application of the already agreed cross-border procedures and arrangements should be held. Key issues to be discussed are to include the EA passports, temporary passes for business people, intermediate passes and other issues spelt out in the TAORT. The seminar would also review actions toward harmonizing and easing of cross-border movements in the EA region.

CHAPTER 5.
CONCLUSIONS AND RECOMMENDATIONS

5.1 Conclusions

This study has demonstrated that the three EAC member countries have achieved significant progress in introducing reforms for sustainable maintenance of their main road network under the RMI. Key reforms in this area include the RF from road user charges and the RFB to manage the fund. Tanzania has gone a step ahead and established a road authority, Kenya is in the process of doing so, whereas Uganda has finalized a study to embark fully on the RMI reforms. The three countries have taken necessary enforcement measures to protect the roads from undue deterioration due to overloading by trucks and buses. Overweight vehicles are already being charged penalties for loads exceeding axle limits. The result has been encouraging, with Kenya achieving compliance above 90 percent, and 80 percent for Tanzania and Uganda. Overall, more needs to be done to improve road maintenance to cover a larger network by raising the revenue base for the RF to meet total road maintenance expenditure requirements since good roads are an important factor in the effective enforcement of road transport laws and regulations.

Regarding delivery of road transport services, the three countries have adopted liberal policies and legislation. The ratification of the TAORT is expected to increase traffic flows by easing cross-border movements. There is, however, a need to address major problems in the enforcement of the transport licensing and traffic acts. In particular, the EA countries should enforce vehicle inspections more stringently to ensure the provision of high quality services, especially by PSVs. The study notes that slack enforcement of vehicle inspection requirements has led to a high percentage of defective vehicles on the roads. It also notes that the problems facing law enforcement bodies including the transport licensing authorities and the traffic police. These problems include lack of adequate competent staff, lack of working equipment, and limited funding, and need to be addressed thoroughly by the three countries to improve the enforcement of road transport laws and regulations.

Laws and regulations governing road traffic management and transport safety in East Africa are quite similar with only minor variations, including speed and driving hours, control of PSV licensing, and the requirement and enforcement of mandatory annual vehicle inspections. The study revealed that enforcement of the traffic acts is as weak in East Africa as in most developing countries, mainly due a shortage of personnel, working equipment, and the ineffectiveness of the national road safety councils.

Under the coordination of the EAC Secretariat in Arusha and its sector Committee on Transport, Communications, and Meteorology, measures are being taken to harmonize cross-border movement through the introduction of a uniform system of enforcement of policy and regulation for the three countries. This will effectively be achieved after ratification of the TAORT, which is expected to take effect shortly. Also, through the permanent high-level Standing Committee on the EA Road Network Project, progress on various issues requiring harmonization by the partner states is being monitored including road funding for maintenance of the EA road network, control of overloading, transit charges and road safety. More significantly, a task force on a road safety project has been formed to address the serious problems in enforcement of road safety measures in East Africa.

The above developments show that the EAC states are progressively moving towards the harmonization of their road management policies and strategies by seeking a common legal framework. Considering the critical importance of roads in their individual economies and in the integration and development of the regional economy, this progress should be accelerated to meet the EA's urgent development challenge of poverty alleviation, of which an efficient road system is a critical component.

5.2 Recommendations

5.2.1 Road Funding and Maintenance

Even at their different stages in the implementation of basic reform policies and programs in the roads sector, each of the EA partner states still has a number of issues to address on road maintenance and its funding. For Tanzania, having established the RFB and TANROADS, the way forward is to increase the efficiency in these institutions so as to gain public confidence and introduce further statutory measures that will ensure funding from the RFB meets total road maintenance requirements. In particular, delays in the remittance of fuel levy collections from both Dar es Salaam and the regions should be minimized. Kenya and Uganda need to establish road agencies through legal statutes and ensure that they are well staffed and efficiently managed. In addition, it is proposed that the member states should:

(i) prepare an outreach program that will win them public support from improved road conditions and show that the public is getting value for its money; this can be achieved through increased publicity on the activities of the RFBs especially on the utilization and benefits of the RFs;

(ii) continuously review the road user charges, tax structures, collection and disbursement mechanisms in line with the existing economic and political environment. It will also be important to explore alternative sources of funding such as cess charged by local authorities, vehicle licensing fees and revenues from traffic fines and penalties;

(iii) establish a standard RF operating manual that could provide guidelines in the review of the fuel levy and other road user charges to meet required or agreed revenue targets; the tariffs should be self-adjusting in accordance with macroeconomic changes;

(iv) establish efficient mechanisms for collecting RF revenues directly from source,

(v) define allocation criteria for the RF to the entitled road agencies on an equitable basis such as vehicle, road density, or economic profitability;

(vi) provide for stringent financial discipline in the disbursement and utilization of the fund;

(vii) set the basis for full accountability and transparency in the use of RF revenues.

In general, road maintenance funds in East Africa should have a monitoring mechanism that guarantees that existing roads are maintained to the highest standards and embraces the funding of road safety, including the provision of appropriate road signs and signals, parking bays, footpaths for pedestrians and lanes for cyclists. RFBs should collaborate closely with all actors in the roads sector, including road safety authorities in each country;

5.2.2 Harmonization of Transit Charges

In addition to the measures taken to harmonize transit charges with the goal of easing cross-border movements, the EAC Secretariat should expedite the implementation of the recommendations of the study undertaken in 1999 on the review and harmonization of transit charges in the region.

5.2.3 Axle Load Control

Tanzania should harmonize its GVM regulations with those of the other two member countries. Since many cross-border EAC transporters are operating both within COMESA and SADC countries, it is important for the standards to be standardized for vehicle dimensions and axle load limits as an expedient administrative measure. Further, the following measures are recommended:

(i) a review and harmonization of all the relevant axle load legislation to facilitate effective enforcement within the EAC countries;

(ii) strengthening the enforcement of overloading laws;

(iii) undertaking of an aggressive educational campaign for drivers and operators to raise their awareness of the problem of overloading and enhance compliance; this could be undertaken through seminars and publicity in the media;

(iv) ensuring that all weighbridges within the EAC region have standard technical specifications to facilitate uniform calibration, efficient service maintenance and standard print outputs to avoid misunderstanding with transporters at various control points; the weighbridge stations should be manned by skilled and properly remunerated staff;

(v) ensuring that dimensions of imported vehicles comply with the vehicle standards set for the region;

(vi) establishment of a vehicle overloading database for the region to assist in identifying habitual offenders who should be subjected to a penalty of loss of license after a fixed number of offences.

As in Kenyan, transport operators' associations in Tanzania and Uganda should play a leading role in the enforcement of axle load limits since it is in their interest that roads and their vehicles are protected from undue damage through overloading. Lastly, there is a need to establish equipment for consistently managing and monitoring axle load control in the subregion. The recently formed Axle Load Interagency Monitoring Committee draws members from COMESA, SADC/SATCC, EAC, TTCA/NCTA and East Africa is a welcome endeavor towards maintaining a coordinated and effective monitoring mechanism.

5.2.4 Operator License

It is recommended that all transport licenses for vehicles operating in the EAC partner states should be harmonized to facilitate the introduction of a single special license for the region. This lead to faster processing of new applications and their renewal and thereby reducing the cost of paying for several separate licenses. It will also facilitate more effective enforcement.

5.2.5 Vehicle Inspection

As observed earlier, commercial vehicles operating in the EAC region are mostly defective, thus threatening the lives of passengers and other users and the efficiency of freight transport. There is a need for the enforcement authorities to take this issue more seriously by effecting a mandatory annual vehicle inspection, particularly for such vehicles. Although current laws provide for this, enforcement is weak and hence the need for a review of the law to provide for an EA Motor Vehicle Inspection Act and an EA Vehicle Test Station with local branches in member states. Traffic police officers in the EAC should then be trained in the enforcement of this act in a coordinated manner. In order to strengthen enforcement of roadworthiness requirements and ensure proper vehicle inspection and fairness to drivers, it is recommended that vehicle owners and their drivers should be enjoined in lawsuits for driving defective vehicles. Corruption in this area should be addressed in the same way as in the case of road traffic management.

5.2.6 Cross-Border Movement and Security

The easing of cross-border movement in East Africa will be fully effective after the ratification and implementation of the TAORT, which has not been ratified after its signing in April 1998. It is proposed that member states should speed up the ratification of the agreement to facilitate full enforcement for effective and efficient road transport operations in the region. Considering the major roles played by both the NCTA signed in 1987 between Kenya and Uganda, and the Belbase Agreement signed among Tanzania, Rwanda, Burundi, and the Democratic Republic of the Congo on transit traffic facilitation, it is proposed that the agreements should be maintained.

Cross-border and transit traffic security are sensitive issues that is being addressed under the auspices of the EAC through its high-level Standing Committee for the EA Road Network Project. It is proposed, however, that a study be commissioned to look into the feasibility of introducing the Global Positioning System (GPS) in the region to facilitate a vehicle monitoring mechanism for vehicles instead of the police escort, which has been difficult to implement.

5.2.7 Driver Training, Education, and Remuneration

Like other skills, driving skills need to be regularly evaluated and upgraded through continuous training and education. None of the three partner states makes it compulsory for drivers to undergo regular updating of driving skills and safety methods through training and increased awareness. It is recommended that legislation be introduced to make such training compulsory and that renewal of driving licenses, especially for PSV and HDV drivers, should be based on this training. Specific training institutes should be earmarked and/or licensed for this purpose. To ensure that drivers of passenger vehicles do not speed or scramble for passengers, their mode of recruitment and remuneration should be rationalized in a manner that excludes payment based on commission.

5.2.8 Revitalization of Road Safety Councils

Kenya has shown its intention to strengthen the road safety council by introducing a bill for the establishment of an autonomous road safety authority and the establishment of a road safety fund to sustain the operations of the authority. It is recommended that the other two partner states, Tanzania and Uganda, follow suit. The revitalized councils should enhance education and public awareness on various ways of promoting safe use of roads with a view to minimizing accidents. They should also undertake research on road safety.

5.2.9 Improved Traffic Management Systems

Road maintenance and traffic management systems, particularly in urban centers, are not up to the standards commensurate with the changing socioeconomic needs. It is recommended therefore, that the management of local authorities, especially those in charge of urban authorities, be strengthened to enhance efficiency in the delivery of urban transport services. In addition, when new roads are designed, provision should be made for pedestrian crossings and footpaths, cycle lanes, bus stops, and parking spaces. Efficiency in the management of local authorities is critical to their capacity to provide these important traffic facilities, among others.

5.2.10 Corruption and Good Governance

Corruption takes place through the will of two parties. The fight against it should therefore require a drastic change of the moral values of law enforcers (recipients) on the one hand and vehicle operators/drivers (givers) on the other. It is recommended that deterrent punitive action should be meted out to all offenders by the relevant law enforcement agencies. In order to minimize incidents of corruption, it is recommended that each partner state intensify public education campaigns against this vice countrywide and through the media. In the long run, however, it can only be reduced through effective implementation of programs aimed at strengthening institutional capacities in each country. Such programs include political, economic reforms and social reforms i.e. the basic elements for achieving good governance.

APPENDICES

APPENDIX A. BIBLIOGRAPHY

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